

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ROBERT ACKLES,

Petitioner,

v.

Case No. 3:24-CV-118-CCB-SLC

WARDEN,

Respondent.

OPINION AND ORDER

Robert Ackles, a prisoner without a lawyer, filed a habeas corpus petition challenging the prison disciplinary hearing (ISP-23-7-2417) at the Indiana State Prison in which a disciplinary hearing officer (DHO) found him guilty of trafficking in violation of Indiana Department of Correction Offense 102. According to the petition, he was sanctioned with a demotion in credit class.

In the motion to dismiss, the Warden argues that Ackles is not entitled to habeas relief because the sanctions affecting the duration of his sentence were suspended and can no longer be imposed. The Warden supports this argument with the hearing report and an affidavit from the Director of Sentence Computation and Release. ECF 9-1; ECF 9-2. Because no such sanctions were imposed, the court cannot grant Ackles habeas relief in this case. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

Because Ackles is not entitled to habeas relief, the petition is denied. If Ackles wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he

may not proceed in forma pauperis on appeal because the court finds that an appeal pursuant to 28 U.S.C. § 1915(a)(3) in this case could not be taken in good faith.

For these reasons, the court:

- (1) GRANTS the motion to dismiss (ECF 9);
- (2) DIRECTS the clerk to enter judgment and to close this case; and
- (3) DENIES Robert Ackles leave to proceed in forma pauperis on appeal.

SO ORDERED.

August 6, 2024

/s/ Cristal C. Brisco

CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT